

Minutes
Town of Lake Park, Florida
Town Commission Meeting
June 16, 7:30 p.m.
Town Commission Chambers, 535 Park Avenue

The Town Commission met for the purpose of a Regular Town Commission Meeting on Wednesday, June 16, 2004 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Balius, Commissioners Carey, Daly and Garretson, Town Manager Doug Drymon, Town Attorney Baird and Recording Secretary Vivian Mendez.

Mayor Castro called the Meeting to order at 7:30 p.m.

Mayor Castro gave the Invocation.

Commissioner Garretson led the Pledge of Allegiance.

Recording Secretary Vivian Mendez performed the Roll Call.

ADDITIONS/DELETIONS

Mayor Castro requested that the Palm Beach County Sheriff's Office provide a brief synopsis of the homicide that occurred on June 15, 2004 under Presentations.

MOTION: A motion was made by Commissioner Garretson to approve the Agenda as amended. Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Commissioner Carey	X		
Commissioner Daly	X		
Vice Mayor Balius			Absent
Mayor Castro	X		

Motion passed 4-0.

PRESENTATIONS:

Palm Beach County Sheriff's Office

Sergeant Antonopoulos representing the Palm Beach County Sheriff's Office stated that there is an ongoing investigation of a white woman who was brutally murdered in her home on Silver Beach Road. Sergeant Antonopoulos indicated that in his opinion this

crime was a targeted crime and that the residents should not worry about it having been done at random.

Mayor Castro expressed condolence to the victim's family and encouraged the citizens of Lake Park to continue watching for suspicious behavior in their neighborhoods to prevent future crimes.

PUBLIC COMMENT

The following person(s) addressed the Commission:

Ms. Emma Kai, 122 Evergreen Drive, commented on the homicide that had taken place in the Town of Lake Park.

Ms. Dionisia Sophinos, 338 Bayberry Drive, commented on her annual employee evaluation.

CONSENT AGENDA

Commission Meeting Minutes of June 2, 2004

MOTION: A motion was made by Commissioner Carey to approve the Consent Agenda. Commissioner Daly made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner	X		
Commissioner Daly	X		
Commissioner Carey	X		
Vice Mayor Balias			Absent
Mayor Castro	X		

Motion passed 4-0.

RESOLUTIONS

RESOLUTION NO. 31-06-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA COMMITTING TO COMPLY WITH RECOMMENDED MINIMUM FIRE-RESCUE LEVEL OF SERVICE STANDARDS; PROVIDING AN EFFECTIVE DATE.

Mayor Castro indicated that there will be a press conference held on July 1, 2004. The Town of Lake Park will be providing two additional firemen at the Central Fire Station at 1000 Park Avenue at no additional cost to the Town.

MOTION: A motion was made by Commissioner Garretson to approve Resolution No. 31-06-04. Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Daly	X		
Commissioner Garretson	X		
Commissioner Carey	X		
Vice Mayor Balias			Absent
Mayor Castro	X		

Motion passed 4-0.

RESOLUTION 36-06-04

A RESOLUTION OF THE TOWN COUNCIL OF LAKE PARK, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC; AUTHORIZING A LEASE OF TWO SANITATION TRUCKS, ONE PICKUP TRUCK, AND ONE MOWER THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: A motion was made by Commissioner Daly to approve Resolution No. 32-06-04. Commissioner Garretson made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Daly	X		
Commissioner Garretson	X		

Commissioner Carey	X		
Vice Mayor Balius			Absent
Mayor Castro	X		

Motion passed 4-0.

DISCUSSION AND POSSIBLE ACTION:

Meeting dates for Joint Meeting with Palm Beach Gardens concerning the Target Project.

Town Manager Drymon informed the Commission that the City of Palm Beach Gardens would like to hold a meeting with the Lake Park Town Commission present. The pleasure of the Town Commission direct the Town Manager to communicate to the Palm Beach Gardens City Council their availability for the joint meeting on any of the following dates at 7:30 p.m.

Monday July 12th

Wednesday July 14th

Monday August 16th

Tuesday August 17th

Wednesday, August 18th

Letter to Department of Community Affair

Town Manager Drymon and Staff recommended that the Town Commission authorize the Mayor to sign and submit the letter to Mr. Kenneth Metcalf, Regional Planning Administration, Department of Community Affairs. The letter is in reference to the Town being released from the need to update the Comprehensive Plan through the Evaluation and Appraisal Report process. (See Exhibit A)

MOTION: **A motion was made by Commissioner Garretson to authorize Mayor Castro to sign the letter in reference to the Town of Lake Park being released from the need to update the Comprehensive Plan through the Evaluation and Appraisal Report process. Commissioner Daly made the second.**

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice Mayor Balius	X		

Commissioner Daly	X		
Vice Mayor Balius			Absent
Mayor Castro	X		

Motion passed 4-0.

Naming Public Property

The pleasure of the Town Commission was to propose an amendment to the charter to establish the future election ballots that will set a referendum vote that will set the naming of public places.

MOTION: A motion was made by Commissioner Garretson to authorize a referendum to change the charter in reference to the naming of public property. Commissioner Daly made the second.

Salary Survey for Community Development Director

Town Manager Drymon recommended that the Community Development Director's salary be set at the highest pay grade range at level 24. (\$50,873.00-\$68,175.09). Town Manager Drymon indicated that he considered adjusting the salaries of department heads and executive-level positions in the near future in order to avoid having the Community Development Director position to be significantly higher when compared to other salaries.

MOTION: A motion was made by Commissioner Garretson to adjust the salary range of the Community Development Director position to pay grade 24. (\$50,873.00-\$68,175.09). Commissioner Carey made the second.

Vote on Motion:

Commission Member	Yes	No	Other
Commissioner Garretson	X		
Vice Mayor Balius	X		
Commissioner Daly	X		
Vice Mayor Balius			Absent
Mayor Castro	X		

Motion passed 4-0.

Town Manager's contract

Mayor Castro directed Town Manager Drymon to bring his evaluation back to the Commission once Commissioner Garretson has turned a completed evaluation in. At that time, the Commission will go over the evaluations and schedule a time for it to come back before the Commission. There was no action taken on this item.

COMMENTS BY COMMISSION, TOWN MANAGER AND TOWN ATTORNEY

Mayor Castro

Mayor Castro expressed his condolences to the family of the homicide victim. He also stressed the importance of community watch. He asked that the residents should keep in mind that the Town has been here for a long time and will continue looking out for one another.

Mayor Castro expressed that he is very proud of the Town of Lake Park and its growth. He stated that the Town had an increase of over 25%. Mayor Castro also indicated that the Town welcomes Super Wal-Mart; however he desires an aesthetic architectural design for the building.

Mayor Castro expressed his condolences to the family of former Mayor Tom Valente of North Palm Beach who passed away earlier this month.

Commissioner Garretson

Commissioner Garretson commented in reference to the Lake Park Harbor-Marina restaurant. He indicated that some of the best in the restaurant business will be submitting proposals to the Town.

Commissioner Daly

Commissioner Daly stated that Calvin, Giordano & Associates should be made aware of the restrictions where the Harbor-Marina restaurant (Plat 3) is located are still in effect.

Commissioner Jeff Carey

No comments.

Town Manager Drymon

Town Manager Drymon indicated that the Town is working closely with all of the area major retailers pertaining to the storage area behind the stores also to resolve the problem with the Publix baskets. There was general consensus among the Town Commission to direct Town Manager Drymon to draft a letter to Publix formally addressing them of the basket issue. Town Manager Drymon also indicated that Assistant to the Town Manager Hoa Hoang has issued five (5) cellular phones to the Palm Beach County Sheriff's Office District 10 Commander for distribution among the officers.

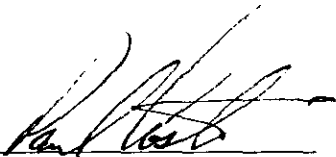
Town Attorney Thomas Baird

Town Attorney Baird informed the Commission that it needs to direct Captain Carroll to compile a statistical report on the identifying the problems with respect to the juvenile

curfew in the Town. By consensus, the Town Commission directed Town Manager Drymon to give Captain Carroll direction to begin compiling the report.

ADJOURNMENT:

There being no further business to come before the Commission, after a motion to adjourn by, seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at p.m.



Mayor Paul Castro

Deputy Town Clerk, Stephanie Thomas



Town of Lake Park Public Comment Card

Meeting Date:

6/16/04

**CARDS MUST BE SUBMITTED BEFORE THE ITEM IS
DISCUSSED!**

*****3 MINUTE TIME LIMITATION ON ALL COMMENTS*****

Name: DIONISIA M. SOUTHER

Address: 338 Bayberry Dr.

I would like to make comments on the following **AGENDA ITEM(S)**:

I would like to make comments on the following **NON-AGENDA ITEM(S)**:

BE Employee Handbook

INSTRUCTIONS: PLEASE FILL OUT THIS CARD, INCLUDING NAME AND ADDRESS, AND GIVE TO THE TOWN CLERK. THE MAYOR WILL CALL YOUR NAME WHEN IT IS TIME FOR YOU TO SPEAK. *Comments must be limited to no more than three minutes per individual.*



Town of Lake Park Public Comment Card

Meeting Date: 6/16/04

**CARDS MUST BE SUBMITTED BEFORE THE ITEM IS
DISCUSSED!**

*****3 MINUTE TIME LIMITATION ON ALL COMMENTS*****

Name:

Catherine Catalano

Address:

809 Poplar Dr., Lake Park, FL 33403

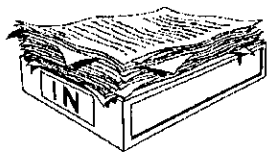
I would like to make comments on the following **AGENDA ITEM(S)**:

M-9-Tab 7 - Constructing w/ outside planning firm
to handle mgmt. of Comm. Develop. Dept

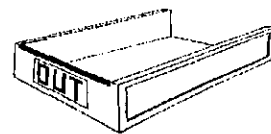
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M

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INTEROFFICE MEMORANDUM



date: June 23, 2004
to: Doug Drymon, Town Manager *D.D.*
from: Dale Dougherty, Director of Recreation
re: Profit Sharing

As it was discussed at a Town Commission meeting, there needs to be some form of process to determine which Lake Park nonprofit organization will share in alcohol sales at festivals.

Three options are:

ONE AT A TIME - Since there were limited groups in town in the past, this option was very simple. The fireworks festival was traditionally the biggest fundraiser for the Lake Park Fire Department Volunteers. When I created the Kelsey Irish Fest, the Lake Park Police C.O.P.s became the fundraising group of choice. Today, several other groups have evolved and should have access to more fundraising opportunities than once every several years.

ALL GROUPS AT ONCE - This choice would entail that all qualified groups would send a couple of people to each major event and all of the groups would split the money. This would no doubt water down any significant funds that would be distributed to the groups. The last couple of events have entailed the distribution of \$600.00. If six local groups share the work, each group would receive a total of only \$100.00 each.

*Recommend
Option
D.D.* **TWO AT A TIME** - This option would seem to be most suitable. Utilizing two groups at a time will allow each qualified group to become a benefactor more often, and increase the size of each donation to the participating groups.

An additional thought is something that I mentioned to one of the local groups. If interested, a third group could be given permission to hold a raffle during the event. A group not participating in the alcohol sales could raffle off a large donated item (ex. a bike), selling tickets for a dollar a piece. Depending on the prize, that could add up to a significant amount of money.

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**PROFESSIONAL FIREFIGHTERS/PARAMEDICS OF
PALM BEACH COUNTY, LOCAL 2928**

OUTLINE OF PRESENTATION

- June 2002 On or about June 29, 2002, the Lake Park Firefighters' Pension Plan terminated.
- In accordance with state law, "the rights of employees to benefits accrued to the date of such termination and the amounts credited to the employees' accounts are nonforfeitable." Section 175.361, Florida Statutes.
- Aug. 2002 The Board of Trustees sought the advice of legal counsel and the Division of Retirement as how to proceed.
- Sep. 2002 The Division of Retirement rendered a legal opinion that the Town had a statutory and fiduciary duty to make up any shortfall for the payment of nonforfeitable accrued benefits.
- Sep.-Nov. The Board of Trustees sought an actuarial analysis of the asset value of the Plan and the value of accrued benefits. The actuary determined a shortfall of approximately \$641,783.
- Dec. 2002 The Board of Trustees demanded payment. At first, the Town seemed agreeable.
- Dec. 2002 Jim Linn, outside attorney, provided the Town with an opinion that the Town was not required to pay for any deficit relying on the "intent" of the Legislature in amending Section 175.361, Florida Statutes (1999).
- Jan. 2003 The Town filed a Complaint for Declaratory Relief asking the Court to resolve the matter.
- Feb. 2003 The Board of Trustees filed an Answer and Counterclaim.
- Sep. 2003 The Town filed a Motion for Partial Summary Judgment seeking an order "declaring as a matter of law that Section 175.361, Florida Statutes, does not require the Town to fund the deficiencies in plan assets."

Jan. 2004

CIRCUIT COURT DENIED THE TOWN'S MOTION FOR SUMMARY JUDGMENT ON AT LEAST FIVE SEPARATE GROUNDS. The Town's interpretation:

1. would conflict with the determination of the Division of Retirement,
2. would contradict legislative intent behind Section 175.361 which provides that accrued benefits and amounts credited are nonforfeitable,
3. would contradict the purpose and requirements of Section 175.091(1)(d) providing for the Town to fund actuarial deficiencies,
4. would contradict the purpose of Chapter 175, Florida Statutes,
5. would cause harsh results (including 9 firefighters receiving nothing, not even their own contributions).

Since then: We have had a mediation which resulted in the presentation of two settlement offers to the Town Council, both of which were rejected by the Town.

The Town has already spent tens of thousands of dollars on its own attorney's fees and will continue to spend tens of thousands of dollars more in attorney's fees in the circuit court and appellate court.

The Town will also be responsible for tens of thousands of dollars in attorney's fees incurred by the Board of Trustees.

In fact, the Town is now forcing the Board to spend more in attorney's fees by pursuing its own Motion for Summary Judgment.

If the Town continues to litigate, there can be no doubt the Town will be responsible ultimately for more than \$100,000 in fees alone ... all in an attempt to deny firefighters their right to nonforfeitable benefits.

DO THE RIGHT THING! STOP THE LITIGATION AND WASTE OF TOWN RESOURCES!

PAY THE FIREFIGHTERS THEIR NONFORFEITABLE BENEFITS AS DETERMINED BY STATE LAW, THE DIVISION OF RETIREMENT, THE COUNSEL FOR THE BOARD OF TRUSTEES, THE ACTUARY FOR THE BOARD OF TRUSTEES, AND THE CIRCUIT COURT.

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PALM BEACH COUNTY SHERIFF'S OFFICE

EDWARD W. BIELUCH, SHERIFF



UNDERSHERIFF WILLIAM TREMER
PHONE: (561) 688-3016

FAX: (561) 688-3033

EMAIL: tremew@pbsso.org

August 11, 2004

Mr. Douglas Drymon
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

Re: FY 04/05 Police Services Contract Proposal

Dear Mr. Drymon:

Pursuant to Article 6, Consideration, Sub-Section 6.1, of the police services contract between the Palm Beach County Sheriff's Office and the Town of Lake Park, please review this proposal regarding the increased cost of police services for FY04/05. If the Town elects to remain at current staffing levels for FY04/05 the adjustment for police services totals \$70,615 or a 4.5% base line increase.

CURRENT STAFFING COST FY04/05

Fiscal Year 2004 Consideration	1,569,244
Four and One Half (4.5%) Increase	70,615
Fiscal Year 2005 Consideration – Actual PBSO Cost for Base Line Staff (18)	1,639,859
Radio Contribution Cost (To be paid as invoiced by the County)	75,204
Fiscal Year 2005 Consideration – *Existing (18) Base Line Staff	1,715,063

As also discussed, in the previous meeting with you and Capt Carroll the PBSO is requesting an increase of three (3) patrol personnel in order to address additional population with the opening of communities and businesses along Congress Avenue. In order to assist the Town with the proposed personnel increase PBSO has staggered the hiring of the three additional deputies over FY04/05 year to October 1, 2004, January 1 and April 1, 2005.

EXPANDED STAFFING COST FY04/05

Three (3) additional Deputy Sheriffs	162,842
PBSO Grants Funded C.O.P.S. Deputy (1)	0
Base Fiscal Year 2005 Consideration - Actual PBSO Cost for Base Line Staff (21)	1,877,905
Additional Radio Contribution Cost (To be paid as invoiced by the County)	2,112
Total Fiscal Year 2004 / 2005 – Consideration (Includes \$77,316 Radio Contribution)	1,880,017

Secondly, pending final Federal Government Funding, if the Town agrees to the proposed personnel increase PBSO will assign an additional deputy from the C.O.P.S. Homeland Security Grant to the Town at **no additional cost**. The funding for the C.O.P.S. Grant Deputy will be paid for from Federal Grant Monies for three (3) FY years. The only requirement to receive this additional deputy is the Town agrees to assigning the deputy to Community Policing, as outlined in the grant. The Town would assume the total cost of the C.O.P.S. Grant Deputy in the fourth (4) year FY08/09 and continue the funding for the position from that point forward.

As always, the Palm Beach County Sheriff's Office looks forward to a continued successful partnership with the Town of Lake Park.

Sincerely,

William F. Tremer
Undersheriff